

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)

Plaintiff,)

vs.)

Case No. 05-00369-01-CR-W-GAF

JOSEPH R. GABOUREL,)

Defendant.)

ORDER

Now pending before the Court is defendant's Motion to Dismiss Based on Legal Impossibility. Defendant seeks to have the indictment charging him with attempted enticement of a child to engage in prohibited sexual conduct, attempted transfer of obscene material to a minor, and attempt to engage in a sexual act with a minor on the ground that it is legally impossible for a conviction to be entered against him since there was no minor involved.

On December 20, 2005, United States Magistrate Judge Robert E. Larsen issued his Report and Recommendation. On December 28, 2005, defendant file his objections to the Report and Recommendation.

Upon careful and independent review of the pending motion, defendant's objections to the Magistrate's Report and Recommendation, as well as the applicable law, this Court hereby adopts and incorporates as its own Opinion and Order the Report and Recommendation of United States Magistrate Judge Robert E. Larsen.

Accordingly, it is hereby ORDERED that defendant's Motion to Dismiss Based on Legal Impossibility is overruled and denied.

SO ORDERED.

/s/ Gary A. Fenner
GARY A. FENNER, JUDGE
United States District Court

DATED: January 3, 2006